

**DOCKET NO.: HENK-0184**  
**Application No.: 10/808,992**  
**Office Action Dated:** April 28, 2008

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

## REMARKS

A Request for Continued Examination is submitted with this submission. Claim 1 has been amended to incorporate the limitations of claim 22, now canceled. No new matter has been added. Claims 1, 6, 8-10, 13, 19-21, 24, and 30 are pending. Claims 2-5, 7, 11, 12, 14-17, 23, and 25-29 are withdrawn.

### **Rejection under 35 U.S.C. § 103**

Claims 1, 6, 8-10, 13, 19-22, 24, and 30 stand rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. 5,128,441 (Speranza). The Applicant disagrees and requests reconsideration and withdrawal of the rejection.

As presently amended, the claims require, among other things, at least one polycarboxy-functionalized prepolymer having the structure  $R^1[-X-C(=O)-Cy(CO_2H)_q]_n[-X-C(=O)-R^3-CO_2H]_p[X-H]_{m-(n+p)}$ , wherein at least one  $-CO_2H$  group attached to Cy is separated by two carbon atoms from the  $-C(=O)-$  group also attached to Cy. The claims also require that the prepolymer does not contain imide groups.

The Office suggests that the closest art shown in Speranza is Example 2 (col. 13), describing the preparation of polyoxypropylene diamine Jeffamine® D-2000 and adipic acid (hexanedioic acid). But adipic acid fails to include a Cy group, as required by the pending claims. The pending claims define Cy to be an aromatic or aliphatic ring. In contrast, adipic acid does not contain an aromatic or aliphatic ring. In addition, as presently amended, the claims require that at least one  $-CO_2H$  group attached to Cy is separated by two carbon atoms from the  $-C(=O)-$  group also attached to Cy. No such compounds are taught or suggested by Speranza.

Speranza, either alone or in combination with the knowledge of one skilled in the art, fails to teach or suggest the claimed invention. As such, a *prima facie* case of obviousness cannot be established and the Applicant requests that the rejection be withdrawn.

\* \* \*

The Applicant asserts that the foregoing constitutes a full and complete response to the April 28, 2008 Office Action and that claims 1, 6, 8-10, 13, 19-21, 24, and 30 are in condition for allowance. An early Notice to that effect is, therefore, earnestly solicited.

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